IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

Bail Appl..No. 4389 of 2007()

CRIME NO. 224/07 OF PAZHAYANNOOR POLICE STATION

PETITIONERS : ACCUSED 1 TO 4

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1. SAM @ KOCHUMON, S/O.GEORGE,
   VAZHAKUNNATHU HOUSE, KOTTARADI, VALLIPILAVU,
   PADICHAL P.O., PAYYANNUR.

2. DANIEL @ MONCHEN, VAZHAKUNNATHU VEEDU,
   ELIVALIKKARA P.O., MUKKOOTTUTHARA, KOTTAYAM.

3. JESSY SAMUEL, VADAKKEL HOUSE,
   KAIRALIPURAM, MUNDUKOTTAKKAL PO,
   PATHANAMTHITTA.

4. JIMMY, S/O JOHN, MANHUMELKUDIYIL HOUSE,
   ARAVANHAL P.O., KANAMKAI, PAYYANUR.

BY ADV. SRI.V.K.SUNIL

RESPONDENTS:

STATE OF KERALA, REP. BY THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 4389 of 2007

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Dated this the 24th day of July, 2007

O R D E R

Application for anticipatory bail. The petitioners are accused 1 to 4 in a crime registered as Crime No.222 of 2007 of Pazhayannoor Police Station (not Crime No. 224/07 as shown in the petition). That crime has been registered under Sections 406 and 420 I.P.C. on the basis of a private complaint filed, which was referred to the police under Section 156(3) Cr.P.C. There was an agreement that the first accused shall marry the defacto complainant. Accused 2 to 4 are the relatives of the first accused. The arrangement for the marriage had progressed. The marriage had to be postponed on two occasions. Later the first accused resiled from the promise. The amount received as also the dresses were returned. The grievance of the defacto complainant is that the first accused, in collusion with his relatives, had wilfully retracted from the promise to marry. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners prays, the learned Prosecutor does not seriously oppose the said prayer and I am satisfied in the facts and circumstances indicated above, that this is a fit case where anticipatory bail can be granted to the petitioners, subject to appropriate conditions. Such conditions can be imposed which shall ensure the interests of a fair, efficient and expeditious investigation.

3. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioners shall surrender before the learned Magistrate on 31.7.2007 at 11 a.m. The learned Magistrate shall release the petitioners on regular bail on condition that the petitioners execute bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 1.8.2007 and 2.8.07 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioners do not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 31.7.07 and the police shall be at liberty thereafter to arrest the petitioners and deal with them in accordance with law.

(d) If the petitioners were arrested prior to his surrender on 31.7.2007 as directed in clause (1) above, they shall be released from custody on their executing bonds for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 31.7.2007.

4. It is submitted that the first accused is not available in India and cannot comply with these conditions. The benefit of this order can be availed only by the petitioners, who surrender before the learned Magistrate as directed.

(R. BASANT)
Judge

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